REMARKS

Interview

Applicant's attorney wishes to thank the examiner for the courtesy and time to telephonically interview the case. In the interview, Claim 1 was discussed in relation to prior art references US 6,859,768 and US 7,006,977. Amendments to claim one discussed include that the cost estimation process is performed without calculating quantities from a generated home floor plan or elevations. Additionally, amendments to claim one discussed included an in-situ calculation of simulated parameters based on the selected design characteristics and project criteria. The wikipedia definition of an in situ algorithm was discussed and "means that it does not require any memory space except the data it is applied on."

Drawings

Replacement drawings are being submitted with the response to comply with 37 CFR 1.121(d).

Rejection of Claims 1-7 9-10, 12-24 and 31-32 under 35 USC 103(a) as being unpatentable over Wakelam (6,859,768) in view of Attra (7,006,977)

Claims 1 and 32 as amended includes that the cost estimation process of the invention is performed without the need for calculating quantities from a generated home floor plan or elevations. Additionally claims 1 and 32 include that the calculation of the of simulated parameters is performed in situ without calculating quantities from a generated home floor plan or elevations and based solely on the selected residential design characteristics and inputted residential project criteria.

The Wakelam reference discloses a process that may be used for designing and modeling commercial buildings. At column 7 lines 52-65 the reference describes the use of a commercially available object oriented parametric building modeler that is used for commercial buildings to assemble a building model. Additionally, the Wakelam reference discloses the use of a DMES process that includes using massing elements to implement the system. The massing elements include various considerations for a commercial building such as the building shape massing element, core zone massing element, cladding massing element and various other massing elements listed at columns 10 and 11. The Wakelam reference uses the design parameters to assemble a building model. The building model can then be used by a separate cost estimating system to generate an estimate. The Wakelam reference does not disclose an in situ calculation as disclosed in claims 1 and 32. With reference to the cost estimation process an in situ calculation refers to the ability of the process to calculate simulated parameters based solely on the selected design characteristics and project criteria. For example, the process can accept modifications to the selected design characteristics and project criteria to see the affects on the calculation without the need to interrupt the process, enter additional data or perform an additional operation.

Specifically the Wakelam reference would require a change in one of the design characteristics to be recompiled by the DMES process to assemble a building model that can then be used to calculate a cost estimate as shown in Figure 1.

The Attra reference discloses a process that uses query responses to generate a home plan. The home plan is stored in a database and may be used to generate a cost estimate. There is no disclosure of an in situ calculation of simulated parameters without calculating quantities

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from a generated home floor plan or elevations and based solely on the selected residential design characteristics and inputted residential project criteria. Specifically, any changes made would require the regeneration of a home plan that could then be used to change the estimate.

As the Wakelam and Attra references do not teach or suggest a cost estimation process without the need for calculating quantities from a generated home floor plan or elevations and that the calculation of the of simulated parameters is performed in situ without calculating quantities from a generated home floor plan withdrawal of the above rejection is respectfully requested.
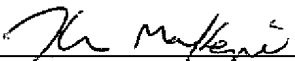
Rejection of Claims 8, 11 and 25-30 under 35 USC 103(a) as being unpatentable over Wakelam (6,859,768) and Attra (7,006,977) in view of Burns (5,189,606)

As outlined above, the Wakelam and Attra references do not teach or suggest a cost estimation process without the need for calculating quantities from a generated home floor plan or elevations and that the calculation of the of simulated parameters is performed in situ without calculating quantities from a generated home floor plan. Similarly the Burns reference does not disclose such a process, as well. The Burns reference discloses using a database of similar projects that is prepopulated to create an average cost estimate. There is no disclosure of an in situ calculation of simulated parameters. Additionally, the Burns reference discloses a process for building military facilities and not residential structures. Therefore, for the forgoing reasons, withdrawal of the above rejection is respectfully requested.

Conclusion

It is argued that the present amendment places all of the claims in condition for allowance

and a notice to that effect is respectfully requested. The Examiner is invited to telephone the

undersigned attorney if doing so would advance prosecution of this case.

Respectfully submitted,

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Date: September 17, 2007